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In re Application of	:	
DIMITROVA et al.	:	DECISION
Application No.: 10/587,799	:	
PCT No.: PCT/IB2005/050399	:	
Int. Filing Date: 31 January 2005	:	
Priority Date: 02 February 2004	:	
Attorney's Docket No.: US040102	:	
For: CONTINUOUS FACE RECOGNITION	:	
WITH ONLINE LEARNING	:	

This decision is in response to applicants' submission filed 09 July 2008, which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 31 January 2005, applicants filed international application PCT/IB2005/050399 which designated the U.S. and claimed a priority date of 02 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 August 2006.

On 31 July 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and two declarations of inventors

On 26 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declarations of the inventors filed 31 July 2006 were not in compliance with 37 CFR 1.497(a)-(b) because the second inventor's name was different on the declaration than it was on the international application.

On 09 July 2008, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.182.

DISCUSSION

The declarations of inventors submitted 09 July 2008 do not comply with 37 CFR 1.497(a)-(b) because they does not list the correct inventorship. There is a difference in names in the second-named inventor between the published international application (Jan Fen SHENZEN) and the declaration of the inventor (Jun FAN). Because this difference in names is more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400 as well as a statement from the inventor.

The petition fee of \$400 has been charged to Deposit Account 141270. The petition requests that the name of the second inventor be clarified from "SHENZEN, JAN FAN" to "FAN, JUN". As noted above, a statement from the inventor is required.

It is noted that the declaration of inventors signed by Jan FUN fails to comply with 37 CFR 1.497(a)-(b) for a reason in addition to the one discussed above. This declaration executes one of the priority applications rather than international application number PCT/IB2005/050399 or the specification filed in the DO/EO/US on 31 July 2006.

CONCLUSION

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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